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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,583	08/22/2000	Arun K. Gupta	3760.101 1-000	9983

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EXAMINER

DUONG, OANH L

ART UNIT PAPER NUMBER

2155

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/643,583	<b>Applicant(s)</b> GUPTA ET AL.	
	<b>Examiner</b> Oanh L. Duong	<b>Art Unit</b> 2155	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08/30/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/30/2004 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claim 1, 7 and 14 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3 Claims 1, 7 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 7 and 11, the feature "changes at a relatively slow and well defined rate" has a vague meaning. It is unclear how slow or how well the rate should be defined (e.g. hourly, daily, monthly, yearly, etc.,).

The feature "with one another" in claim 1 line 11 does not have a clear meaning.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li (US 6,591,266 B1) in view of Bates et al. (Bates) (US 6,275,858 B1).

Regarding claim 1, Li teaches a method for providing a requestor with access to dynamic data via quasi-static data requests (e.g., see fig. 2 col. 1 lines 18-22), comprising the steps of:

defining a web page, said web page including at least one dynamic element (e.g., see col. 3 lines 31-49);

creating an executable digital code to be run on a computer (e.g., see col. 3 line 66-col. 4 lines 12) and invokes said executable code creating and storing a quasi-static copy of said defined web page (e.g., see col. 18 line 45-col. 19 line 19);

creating said scheduler component capable of invoking said executable code at predetermined intervals (e.g., see col. 18 line 45-col. 19 line 19);

loading said executable code and said scheduler component onto a platform in connectivity with a web server and with one another (e.g., see fig. 7 col. 12 lines 31-44 and col. 26 lines 32-61);

invoking execution of said scheduler component (e.g., see col. 18 line 45-col. 19 line 19); and retrieving and returning the static copy of said defined web page in response to requests for said defined web page (e.g., see col. 8 line 64-col. 9 line 17).

Li does not explicitly teach a web page that changes at a relatively slow or well defined rate, and executable code that generates the quasi-static copy of said web page is scheduled at periodic intervals.

Bates, in the same field of endeavor, teaches a web page that changes at a relatively slow or well defined rate (col. 3 line 66-col. 4 line 4), and executable code that generates the quasi-static copy of said web page is scheduled at periodic intervals (col. 4 lines 28-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the web page that changes at a relatively slow or well defined rate, and executable code that generates the quasi-static copy of said web page is scheduled at periodic intervals of Bates in the process of generating/refreshing of the web page in Li because such use of web page that changes at a relatively slow or well defined rate, and executable code that generates the quasi-static copy of said web page is scheduled at periodic intervals would enable automated, flexible, and efficient generating/refreshing of internet web pages (Bates, col. 1 lines 53-55).

Regarding claim 2, Li –Bates teaches the web page is defined and stored in a repository (Li, col. 38 lines 28-49).

Regarding claim 3, Li-Bates teaches defining a placement and derivation for elements in said web page (Li, col. 13 line 57-col. 14 line 28); and defining said web page as either static or dynamic (Li, col. 9 lines 54-64).

Regarding claim 4, Li-Bates teaches said elements are defined as dynamic or static (Li, col. 1 line 20-22).

Regarding claim 5, Li-Bates teaches executable code and scheduler code is generated from Business Class definitions (Li, col. 2 lines 19-46).

Regarding claim 6, Li-Bates teaches static copy of defined web page is stored in a format capable of being viewed by a web browser (Li, Fig. 4 col. 3 lines 24-30).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 7-8, 10-12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al. (Bates) (US 6,275,858 B1).

Regarding claim 7, Bates teaches a method for providing a requestor with access to dynamic data via quasi-static data requests (Fig. 4B), comprising steps of:

providing a web page including at least one dynamic element that changes at a relatively slow or well defined rate (col. 3 line 66-col. 4 line 17);

a scheduler periodically invoking an executable to generate a quasi-static copy of the web page (col. 4 lines 28-40); and

upon receiving a request for the web page from the requestor, returning the quasi-static copy of the web page (col. 5 lines 1-12).

Regarding claim 11, the system of claim 7 has a correspondent method of claim 7; therefore, claim 11 is rejected under same rationale as applied to claim 7.

Regarding claims 8 and 12, Bates teaches the at least one dynamic element is retrieved from an operational database by the executable when the quasi-static copy of the web page is generated but is not retrieved when the quasi-static copy is returned as a static copy to the requester (col. 4 line 66-col. 5 line 12).

Regarding claims 10 and 14, Bates teaches the quasi-static copy of the web page is stored in a format capable of being viewed by a web browser (col. 5 lines 8-9).

6. Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (Bates) (US 6,275,858 B1) in view of Helbig (US 2002/0116257 A1).

Regarding claims 9 and 13, Bates does not explicitly teaches Active Server Page (ASP).

Helbig teaches executable is written in Active server Pages (APS) (page 5 paragraph 49). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the ASP of Helbig in the process of generating a dynamic web page of Bates because it was conventionally employed in the art to allow dynamic web pages to be created as opposed to static ones that are written in HTML.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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O.D  
September 29, 2004

  
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SUPERVISORY PATENT EXAMINER